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2
3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA

5 THOMAS FRANKLIN WHEELLOCK,

6 Petitioner,

No. C 05-3878 PJH

7 v.

ORDER RE RECORD

8 SCOTT M. KERNAN, Warden,

9 Respondent.
10 _____/

11 On September 27, 2011, this fully-briefed habeas case was reassigned from the
12 Honorable Jeremy Fogel to the undersigned judge. On November 17, 2011, pursuant to
13 the court's request, respondent lodged portions of the record that the court found were
14 missing. The court appears to now have the entire record as lodged previously with Judge
15 Fogel.

16 However, the court is unable to locate any transcripts of the actual voir dire and
17 responses from Juror No. 8. Instead, the only transcripts the court was able to locate
18 regarding Juror No. 8's voir dire responses are from July 23, 2001, following jury selection,
19 when the trial court noted for the record discussions that transpired at sidebar conferences
20 during voir dire. R.T. 4077-78. Nor has the court located in the record Juror No. 8's
21 questionnaire, referenced in the trial court's discussion at R.T. 4077-78. To the extent that
22 such transcripts and/or questionnaire exists, the court finds that they are necessary for its
23 adjudication of the related habeas claim, and respondent should submit them to the court
24 **no later than seven days from the date of this order.** In the event the documents do not
25 exist, respondent should advise the court that is the case.

26 **IT IS SO ORDERED.**

27 Dated: December 12, 2011

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PHYLLIS J. HAMILTON
United States District Judge